

OPINION
46-78

October 4, 1946 (OPINION)

COUNTY COURT

RE: No Jurisdiction in Partition After Estate Closed

Re: Petition in County Court, Chapter 30-21

Your letter of October 2, regarding the above matter has been handed to me by the attorney general for attention.

It is our opinion that the county court lost all jurisdiction in this matter when it made its final decree. The sole jurisdiction now, in our opinion, lies in the district court where any or all the heirs may commence proceedings for partition according to the rules of procedure in district court. This letter is merely an expression of our opinion to you as county judge as the matter may be litigated and we do not wish to be in the position of giving an opinion before the matter is properly brought before the court.

NELS G. JOHNSON

Attorney General